

REMARKS

Claims 21-40 are pending. The drawings are objected to for failing to show every feature of the invention specified in the claims. Claims 21 and 32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 21, 32, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrold, U.S. Patent 6,512,379 ("Harrold"). Claims 22-28, 30-31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrold in view of Khorrami 5,970,393 ("Khorrami"). Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrold and Khorrami in further view of Deegan, U.S. Patent 5,552,711 ("Deegan"). Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrold in view of Deegan. Claims 37 - 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrold and Deegan in further view of I.E.E.E. Interharmonic Task Force Publication entitled Interharmonics in Power Systems.

Claim 26 has been cancelled.

Applicant submits herewith a replacement drawing sheet containing an amended version of FIG. 5, wherein grounding symbols have been added to the housing 2 and rotor shaft 3, respectively. Support for these drawing amendments may be found on page 13, lines 1-5 of the present application. Accordingly, Applicant respectfully requests that the objection to the drawings be withdrawn.

In order to render moot the rejection of claims 21 and 32 under 35 U.S.C. 112, first paragraph, the language directed to clarifying the functional advantages of the present invention has been deleted, except for the limitation of "a kilohertz frequency range" which is fully supported on page 13, lines 19-24, of the present application. Accordingly, the rejection of claims 21 and 32 under 35 U.S.C. 112, first paragraph has been overcome.

With regard to the rejection of claim 21 under 35 U.S.C. 102(e), claim 21 has been amended to include the limitation of "a measuring element ...for generating a signal indicative of the electric or magnetic field strength" and "a monitoring unit for determining when the signal deviates from a threshold being defined responsive to at least one of a load condition of the turbo engine and a location of the rotor blades or the guide vanes relative to an outlet of the turbo engine." Support for this amendment may be found on page 11, lines 1-9, and page 16, lines 12-

21 of the present application. Nothing in Harrold teaches or suggests these limitations. Accordingly, Harrold fails to support a rejection of claim 21 under 35 U.S.C. 102 and therefore claim 21 is believed to be in condition for allowance.

With regard to the rejection of claim 32 under 35 U.S.C. 102(e), claim 32 has been amended to include the limitations of “defining a threshold responsive to at least one of a load condition of the turbo engine and a location of the rotor blades or the guide vanes relative to an outlet of the turbo engine; and determining when the electric or magnetic field strength deviates from the threshold.” Nothing in Harrold teaches or suggests these limitations. Accordingly, Harrold fails to support a rejection of claim 32 under 35 U.S.C. 102 and therefore claim 32 is believed to be in condition for allowance.

With regard to the rejections of claims 22-25 and 27-31 under 35 U.S.C. 103(a), claims 22-25 and 27-31 depend, directly or indirectly, from claim 21 and incorporate all the limitations of claim 21. As described above with regard to the rejection of claim 21, Harrold is not believed to be a valid reference. Accordingly, the respective combinations taught by claim 21 and claims 22-25, and 27-31 are not taught or suggested, neither alone nor in combination, by the any of the cited prior art. Therefore, claims 22-25 and 27-31 are believed to be in condition for allowance.

With regard to the rejections of claims 33-40 under 35 U.S.C. 103(a), claims 33-40 depend, directly or indirectly, from claim 32 and incorporate all the limitations of claim 32. As described above with regard to the rejection of claim 32, Harrold is not believed to be a valid reference. Accordingly, the respective combinations taught by claim 32 and claims 33-40 are not taught or suggested, neither alone nor in combination, by the any of the cited prior art. Therefore, claims 33-40 are believed to be in condition for allowance.


Serial No. 10/533,014
Atty. Doc. No. 2002P12570WOUS

Conclusion

Entry of this amendment is respectfully requested. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 7/11/06

By: 
John Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830